

ORIGINAL

Michael J. Friedman  
WINSTON & STRAWN LLP  
200 Park Avenue  
New York, New York  
Tel: (212) 294-6700  
Fax: (212) 294-4700

*Counsel for Abbott Laboratories*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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	: 1:07-CV-05634-AKH-DFE
<b>DR. ANTHONY CERAMI,</b>	: <b>MOTION TO ADMIT COUNSEL</b>
	: <b><i>PRO HAC VICE</i></b>
<b>Plaintiff,</b>	:
	:
<b>- against -</b>	:
	:
<b>NOVARTIS AG and NOVARTIS VACCINES</b>	:
<b>AND DIAGNOSTICS, INC.,</b>	:
	:
<b>Defendant.</b>	:
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**NOTICE OF MOTION FOR ADMISSION *PRO HAC VICE* OF  
KEVIN E. WARNER**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, and upon the accompanying Affidavit dated December 13, 2007 and the exhibits annexed thereto, I Michael J. Friedman a member in good standing of the Bar of this Court, hereby move for an order allowing the admission pro hac vice of Kevin E. Warner.

DEC 14 2007  
925-635863

The full contact information for Kevin E. Warner is as follows:

Applicant's name: Kevin E. Warner  
Firm name: Winston & Strawn LLP  
Address: 35 West Wacker Drive  
Chicago, Illinois, 60601  
Telephone: (312) 558-5600  
Facsimile: (312) 558-5700  
Email: [kwarners@winston.com](mailto:kwarners@winston.com)

Kevin E. Warner is a member in good standing of the Bar of the State of Illinois. There are no pending disciplinary proceedings against Kevin E. Warner in any state or federal court.

The requisite application fee of \$25.00 is also submitted herewith.

Dated: December 13, 2007  
New York, New York

**Respectfully submitted,**

**WINSTON & STRAWN LLP**

By:  \_\_\_\_\_

Michael J. Friedman (MF-0251)  
200 Park Avenue  
New York, New York 10166  
(212) 294-6700 (telephone)  
(212) 294-4700 (facsimile)  
[mfriedman@winston.com](mailto:mfriedman@winston.com)

**Attorneys for Proposed Intervenor,  
Abbott Laboratories**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- x  
: 1:07-CV-05634-AKH-DFE  
**DR. ANTHONY CERAMI,**  
: **AFFIDAVIT OF MICHAEL J.**  
: **FRIEDMAN IN SUPPORT OF**  
: **MOTION TO ADMIT KEVIN E.**  
: **WARNER *PRO HAC VICE***  
: **Plaintiff,**  
: **- against -**  
: **NOVARTIS AG and NOVARTIS VACCINES**  
: **AND DIAGNOSTICS, INC.,**  
: **Defendant.**  
: **----- x**

**AFFIDAVIT OF MICHAEL J. FRIEDMAN  
IN SUPPORT OF MOTION FOR THE ADMISSION *PRO HAC VICE* OF  
KEVIN E. WARNER**

**State of New York    )**  
                             **) ss:**  
**County of New York)**

**Michael J. Friedman**, being duly sworn, hereby deposes and says:

1. I am a member of the law firm of Winston & Strawn LLP, counsel of record for Proposed Intervenor Abbott Laboratories ("Abbott") in the above-captioned action. I am familiar with the proceedings in this case and make this statement based on my personal knowledge of the facts set forth herein.

2. I submit this Affidavit pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York in support of Abbott's motion to admit Kevin E. Warner as counsel *pro hac vice* to represent Abbott in this matter.

3. I am a member in good standing of the bar of the State of New York. I am also admitted to the bar of the United States District Court for the Southern and Eastern Districts of New York, and am in good standing with this Honorable Court.

4. I have known Mr. Warner since 2006. He is associated with the law firm of Winston & Strawn LLP, counsel of record for Abbott in this action, and is resident in the Chicago, Illinois office of our firm.

5. Mr. Warner was admitted to practice before the courts of the State of Illinois on November 6, 2003, and is currently a member in good standing of the bar of that state. A Certificate of Good Standing issued by the State of Illinois and dated December 7, 2007, is annexed hereto as Exhibit A.

6. Mr. Warner is a skilled attorney and a person of integrity. He is experienced in the federal practice of law and is familiar with the Federal Rules of Procedure. There are no pending disciplinary proceedings against him in any state or federal court. He is a person of high moral character.

7. Pursuant to the Local Rules of this Honorable Court, I respectfully request that Kevin E. Warner be permitted to appear *pro hac vice* in order to act as counsel to Abbott in this matter.

8. The full contact information for Mr. Warner is as follows:

Applicant's name:	Kevin E. Warner
Firm name:	Winston & Strawn LLP
Address:	35 West Wacker Drive Chicago, Illinois, 60601
Telephone:	(312) 558-5600
Facsimile:	(312) 558-5700
Email:	kwarner@winston.com

9. The requisite fee of \$25.00 is submitted herewith.

10. No novel issue of law is connected with the filing of this motion. Accordingly, I respectfully request that the Court waive the filing requirement, as set forth in Local Rule 7.1 of

this Court, of a supporting memorandum of law.

11. Annexed hereto is a proposed form of Order granting this motion.

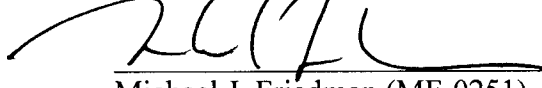
12. There has been no prior application in this matter in connection with the form of relief requested by this motion.

13. I declare under penalty of perjury that the foregoing is true and correct.

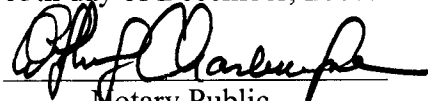
WHEREFORE, I respectfully request that this motion to admit Kevin E. Warner *pro hac vice* to represent Abbott in the above-captioned action be granted.

Dated: New York, New York  
December 13, 2007

Respectfully submitted,

  
Michael J. Friedman (MF-0251)

Sworn to before me this  
13th day of December, 2007.

  
Notary Public

My Commission Expires on: \_\_\_\_\_

**DAPHNEY CHARLEMAGNE**  
Notary Public, State of New York  
No: 01CH8096278  
Qualified in Nassau County  
Certificate Filed in New York County  
Commission Expires July 26, 2011

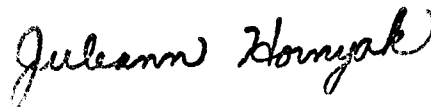
## **Certificate of Admission To the Bar of Illinois**

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Kevin Earl Warner

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 6, 2003 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto  
placed my hand and affixed the seal  
of said Supreme Court, at Springfield,  
in said State, this Friday, December 07, 2007.

A handwritten signature in black ink, reading "Juleann Hornyak". The signature is written in a cursive, flowing style.

Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- x  
: **1:07-CV-05634-AKH-DFE**  
DR. ANTHONY CERAMI, :  
 :  
 **Plaintiff,** :  
 :  
 **- against -** :  
 :  
 **NOVARTIS AG and NOVARTIS VACCINES** :  
 **AND DIAGNOSTICS, INC.,** :  
 :  
 **Defendant.** :  
----- x

**ORDER FOR ADMISSION *PRO HAC VICE* OF KEVIN E. WARNER  
ON WRITTEN MOTION**

Upon the written motion of Michael J. Friedman, attorney for Proposed Intervenor Abbott Laboratories, and the accompanying Affidavit of Michael J. Friedman, dated December 13, 2007 and the exhibits annexed thereto:

**IT IS HEREBY ORDERED that:**

Applicant's name: Kevin E. Warner  
Firm name: Winston & Strawn LLP  
Address: 35 West Wacker Drive  
Chicago, Illinois, 60601  
Telephone: (312) 558-5600  
Facsimile: (312) 558-5700  
Email: kwarner@winston.com

is admitted to practice *pro hac vice* as counsel for Proposed Intervenor Abbott Laboratories in the above-captioned action in the United States District Court for the Southern District of New York.

All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing the discipline of attorneys.

If this action is assigned to the Electronic Case Filing ("ECF") system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov).

Dated: \_\_\_\_\_  
New York, New York

\_\_\_\_\_  
Honorable Alvin K. Hellerstein  
United States District Judge



**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury that on December 13, 2007, I caused a copy of the foregoing:

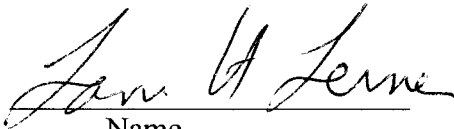
1. **NOTICE OF MOTION FOR ADMISSION *PRO HAC VICE* OF KEVIN E. WARNER;**
2. **AFFIDAVIT OF MICHAEL J. FRIEDMAN IN SUPPORT OF MOTION FOR THE ADMISSION *PRO HAC VICE* OF KEVIN E. WARNER; and**
3. **[PROPOSED FORM OF] ORDER FOR ADMISSION *PRO HAC VICE* OF KEVIN E. WARNER ON WRITTEN MOTION (attached to Friedman Affidavit),**

to be served upon counsel by Fed Ex overnight mail delivery on the following individuals:

Grant Esposito, Esq.  
Craig Whitney, Esq.  
**MORRISON & FOERSTER LLP**  
1290 Avenue of the Americas  
New York, NY 10104  
WKuhne@mofo.com  
**Attorneys for Novartis AG and  
Novartis Vaccines And Diagnostics, Inc.**

Barry J. Brett, Esq.  
**TROUTMAN SANDERS, LLP**  
405 Lexington Avenue  
New York, NY 10174  
Barry.brett@troutmansanders.com  
**Attorneys for Dr. Anthony Cerami**

Dated: New York, New York  
December 13, 2007

  
Name  
LANE H. LERNER